

**May 2, 2002**

**DOCKET NO. 02-00122**

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

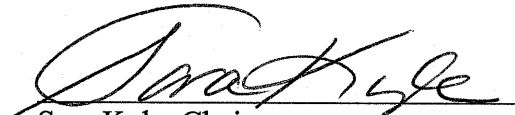
- 2) The Agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The Agreement is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) This is a commercial mobile radio services agreement and is not an agreement between competing carriers.
- 6) By approving this Agreement, the Authority does not make a determination that the provision of wireless services to both business and residential customers within the BellSouth Telecommunications, Inc. service area rises to the level of facilities-based competition under 47 U.S.C. § 271(c)(1)(A).
- 7) No person or entity has sought to intervene in this docket.
- 8) The Agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

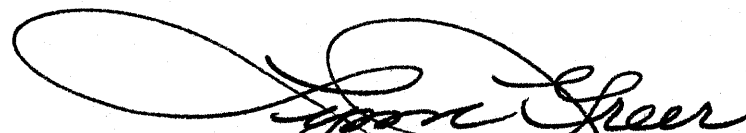
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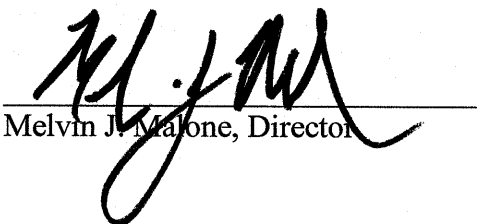
<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

**IT IS THEREFORE ORDERED THAT:**

The Commercial Mobile Radio Services Interconnection Agreement negotiated between BellSouth Telecommunications, Inc. and AT&T Wireless Services, Inc. is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary